

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA GROWERS'  
ASSOCIATION, INC., NATIONAL  
CHRISTMAS TREE ASSOCIATION,  
FLORIDA FRUIT &  
VEGETABLE ASSOCIATION, INC.,  
VIRGINIA AGRICULTURAL GROWERS  
ASSOCIATION, INC., SNAKE  
RIVER FARMERS ASSOCIATION,  
NATIONAL COUNCIL OF  
AGRICULTURAL EMPLOYERS,  
NORTH CAROLINA CHRISTMAS  
TREE ASSOCIATION, NORTH  
CAROLINA PICKLE PRODUCERS  
ASSOCIATION, FLORIDA CITRUS  
MUTUAL, NORTH CAROLINA  
AGRIBUSINESS COUNCIL, INC.,  
MAINE FOREST PRODUCTS COUNCIL,  
ALTA CITRUS, LLC, EVERGLADES  
HARVESTING & HAULING, INC.,  
DESOTO FRUIT AND HARVESTING,  
INC., FOREST RESOURCES  
ASSOCIATION, TITAN PEACH  
FARMS, INC., H-2A USA, INC.,  
and OVERLOOK HARVESTING  
COMPANY, LLC,

Plaintiffs,

v.

HILDA L. SOLIS, in her  
official capacity as United  
States Secretary of Labor,  
UNITED STATES DEPARTMENT OF  
LABOR, JANET NAPOLITANO, in  
her official capacity as  
United States Secretary of  
Homeland Security, and  
UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY,

Defendants,

and

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UNITED FARM WORKERS, )  
 JAMES CEASE, )  
 MARIO CENTENO-RODRIGUEZ, )  
 JUAN CISNEROS-IBARRA, )  
 LUIS ENRIQUE CISNEROS-IBARRA, )  
 REYMUNDO GUTIERREZ, )  
 CARLOS LUIS GUZMAN-AVILA, )  
 JUAN LUIS GUZMAN-CENTENO, )  
 JOSE RAUL GUZMAN-CENTENO, )  
 ABELARDO HERNANDEZ-AGUAS, )  
 GREGORIO HUERTAS-SAMANO, )  
 PEDRO IBARRA-AVILA, )  
 ATANACIO LUGO-RINCON, )  
 OBDULA MALDONADO-ABELLANEDA, )  
 MIGUEL ANGEL OLGUIN-HERNANDEZ, )  
 ARTURO OLGUIN-MONROY, )  
 OMER A RODRIGUEZ-GUZMAN, )  
 DESIDERIO TOVAR-ZAPATA, and )  
 ALEJANDRO TREJO-LEON, )  
 on behalf of themselves and )  
 all others similarly situated, )  
 )  
 Defendant-Intervenors. )

### JUDGMENT

There being no just reason for delay, **IT IS HEREBY ORDERED AND ADJUDGED** that Plaintiffs' Motion for Summary Judgment (Doc. 124) is **GRANTED** as to Defendant-Intervenors and a **PERMANENT INJUNCTION** is issued, enjoining the implementation of the Temporary Employment of H-2A Aliens in the United States, 74 Fed. Reg. 25,972 (May 29, 2009) and denying recovery by Defendant-Intervenors pursuant to their claims by or under the rules set out in Temporary Employment of H-2A Aliens in the United States, 74 Fed. Reg. 25,972 (May 29, 2009).

**IT IS ORDERED AND ADJUDGED** that Defendant-Intervenors' claims are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED AND ADJUDGED** that Plaintiffs' claims as to the Department of Labor ("DOL"), Hilda L. Solis in her official capacity as Secretary of DOL, the Department of Homeland Security ("DHS"), and Janet Napolitano in her official capacity as Secretary of DHS (collectively, "the Federal Defendants") are **DISMISSED AS MOOT**.

This court retains jurisdiction as to Plaintiffs' claim for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

This the 31st day of October 2011.

William L. Osburn, Jr.  
United States District Judge